

**State of Michigan  
DEPARTMENT OF CIVIL SERVICE  
Civil Service Commission Meeting  
May 24, 2001**

Present: Susan Grimes Munsell, Chairperson  
Robert P. Hunter, Commissioner  
James P. Pitz, Commissioner  
John F. Lopez, State Personnel Director

**CALL TO ORDER**

1. The meeting of the Civil Service Commission was opened by Civil Service Commission Chairperson Susan Grimes Munsell at 10:00 a.m. in Conference Room A, Lower Level, Capitol Commons Building, 400 S. Pine Street, Lansing, Michigan.
2. On motion duly made and supported, the Commission approved the Minutes of the meeting of March 22, 2001.

**INFORMATIONAL REPORTS**

1. The Commission received the following report from John F. Lopez, State Personnel Director.
  - a) Employment Relations Board Appointment: With the approval of the Commission, William Braman has been reappointed to serve on the Employment Relations Board (ERB). Mr. Braman has been a member of the ERB since 1987. His new term expires April 30, 2004.
  - b) Regulations: Civil Service Commission Rules require that I report to the commission on the promulgation of regulations, which are issued to implement commission rules.

Since the last commission meeting, the following regulations have been promulgated:

***Regulation 3.06, Sanctions for Violating Appraisal Method Integrity***

***Summary:*** An appointing authority must notify the Department of Civil Service if it is discovered that a person is engaging in prohibited acts defined in Rule 3-1, such as misrepresenting education or experience, engaging in deception or fraud, cheating, etc. Civil Service will conduct an investigation and impose sanctions as appropriate. Civil Service can initiate

civil action or refer for criminal prosecution, anyone who has engaged in prohibited acts. Sanctions can be appealed, and a person who has been sanctioned may request reinstatement of their applicant pool privileges.

***Regulation 5.01, General Salary Schedule Administration***

*Summary:* This regulation was changed to clarify the salary schedule administration for employees appointed to a transitional classification. The earlier version of this regulation addressed only the State Transitional Professional, and inadvertently left out the State Transitional Technician and the State Transitional Manager.

***Regulation 7.01, Disbursements for Personal Services***

*Summary:* No substantive revisions were made to this regulation, however, it was reformatted to be consistent with the new regulation format and to reflect the movement of the disbursement rule (old Rule 4-6) to Chapter 7 of the Rules.

I would like to point out that on April 30, 2001, Civil Service staff members conducted presentations for human resource personnel to address the significant changes made to these regulations and those that became effective March 18, 2001.

c) **Unclassified Position Report:** Civil Service Commission Rules require that I report on the establishment or abolition of positions in the unclassified service. Since the last Director's Report, I approved one request from the Department of Education.

I received an April 17, 2001, request from the Department of Education to establish an unclassified position, *Director of the Center for Educational Performance and Information (CEPI)*. The position is responsible for directing and providing leadership for the Center in accordance with Executive Order 2000-9; managing the implementation of the Michigan Education Information System; and managing the S&P School Evaluation Service Contract.

This request was approved on April 17, 2001. The Department of Education now has five exempt, unclassified positions.

2. Carol Vargovich, Department of Civil Service, Budget and Financial Services, presented a budget update report. She noted that since the December Commission meeting, the revenue consensus meeting between the house and senate fiscal agencies indicated that the revenues were going down and a hiring freeze was issued in early February. In the current fiscal year the Department will recognize a \$56,000 General Fund reduction, and lapse work project authority of \$560,000.

The Fiscal Year 02 budget is still in development. The proposal currently before the Legislature is \$713,300 less than what the Department originally proposed. Still pending is another 2% general fund reduction of \$224,400. Ms. Vargovich noted that the department is supportive of the Executive recommendations and will continue to keep the Commission informed of any changes that occur in the budgets.

3. Theodore Benca, Deputy Director, presented a HRMN Project Update. Phase 1 of the project is complete and thirty-four Department of Civil Service employees have returned to their offices in the Capitol Commons Center, some after having been on the project for three years. The system is up and working and three pay cycles have been successfully completed. The three main players during the project were DCS, the Office of Financial Management of the State Budget Office, and Project MAIN, and that relationship will continue throughout the remaining Stage II implementation and from this point forward, to maintain coordination of activities. Mr. Benca noted that information on the successful implementation is being shared with other states to assist them in their planning.

### **NEW BUSINESS**

1. D. Daniel McLellan, General Counsel, stated that a Letter of Understanding between Department of State Police and UAW regarding clothing benefits for State Police civilian employees was granted interim approval by the State Personnel Director with the consent of the Commission Chair, and staff recommends approval by the Commission.

On motion duly made and supported, the Commission confirmed the April 17, 2001 interim approval granted by the State Personnel Director of the Letter of Understanding between the Department of State Police and the UAW addressing Article 35 – Miscellaneous Benefits, Section A – Clothing.

2. D. Daniel McLellan indicated that staff reviewed the agreement reached between MPES and OSE to establish a single maximum pay rate in the Human Resources Management Network when exceptions are made to pay ineligible unit members overtime in HRMN, and recommended its approval. The State Personnel Director granted interim approval with the consent of the Commission Chair.

On motion duly made and supported, the Commission confirmed the April 25, 2001 interim approval granted by the State Personnel Director of the Letter of Understanding between the Office of State Employer and the

Michigan Professional Employees Society, amending Article 19, Section F.3.d. (1) and (2).

3. D. Daniel McLellan indicated that staff reviewed the agreement reached between AFSCME Council #25 and the State of Michigan and recommends its approval.

On motion duly made and supported, the Commission approved the letter of Understanding between the Michigan AFSCME Council #25 and the State of Michigan regarding posting of test designated vacancies in the Institutional Unit.

4. D. Daniel McLellan briefed the Commission on the draft Rule 2-20, "Workplace Safety" (Revision C) that is before the Commission for action. He noted the purpose they tried to accomplish with the draft rule is increased workplace safety, and that the mechanism for achieving that is reducing the factors that contribute to workplace violence issues. The draft rule prohibits acts of violence and threats of violence, and focuses on firearms and explosives in the context of employees having them on duty and in the workplace itself. The draft rule requires all employees to report immediately acts or threats of violence to the appointing authority, and requires the appointing authorities to take reasonable actions to protect employees and the public if they receive credible reports of acts or threats of violence.

Mr. McLellan discussed the ban on all firearms and explosives during actual duty time and at state workplaces, unless otherwise permitted. Revision A was sent out for public comment and issues were raised regarding employees who hunt or go to shooting ranges before or after work and, in accordance with State law, sometimes have an unloaded weapon in a case or in the trunk of a vehicle parked in the parking lot. The Office of State Employer and the Attorney General's Office have also reviewed and had input on the issues. The Department of Civil Service now recommends that permission to have an unloaded firearm locked in a personal vehicle in a state parking lot be authorized, if the employee is also otherwise in compliance with State law.

Mr. McLellan noted that the Department anticipates that rather than Civil Service promulgating regulations, OSE will work with the departments to have work rules that are consonant with this rule, since many agencies have differing requirements. He also clarified that this rule does not take away an appointing authority's reasonable discretion in either banning or permitting certain types of weapons for their employees in the proper circumstances.

September 1, 2001 is the proposed effective date of this rule, with a provision authorizing the state personnel director to establish an earlier

effective date of the rule if it becomes appropriate to do so. This schedule provides the appointing authorities, Office of State Employer, and Department of Civil Service ample opportunity to prepare for the rule and engage in whatever educational processes are necessary.

On motion duly made and supported, the Commission approved Resolution G-4:

Section 1. The proposed amendments to the Civil Service Rules contained in draft Revision C (dated May 21, 2001) of Civil Service Rule 2-20, "Workplace Safety," and amendments to Rule 9-1, "Definitions," are approved.

Section 2. The approved amendments to the Civil Service Rules shall be effective on September 1, 2001, unless the State Personnel Director establishes and publishes an earlier effective date. The State Personnel Director is authorized to establish and publish, without further action of the Civil Service Commission, an effective date of the approved amendments that is earlier than September 1, 2001.

5. D. Daniel McLellan explained that the current Rule 5-5.1 provides for a "P-Rate" pay premium for designated prison employees, for all hours in pay status including holidays and leave time, but excluding paid administrative leave for nonexclusively represented employees. Collective bargaining agreements provide that the P-Rate is paid on administrative leave hours for exclusively represented employees. The proposed amendment to Rule 5-5c deletes the exclusion for NEREs.

On motion duly made and supported, the Commission approved Resolution G-5:

Resolution G-5, approved by the Civil Service Commission on May 24, 2001:

Section 1. The proposed amendments to Rule 5-5(c), circulated in CS-6944 (April 25, 2001), are approved, effective immediately.

### **COMMISSION APPEALS**

1. In closed session on May 24, 2001, the Commission considered ten decisions of the Employment Relations Board. Copies of the Review Sheets indicating the Commission's actions on these decisions are on file in the Department of Civil Service.

### **ADJOURNMENT**

1. The Meeting was adjourned at 10:40 a.m.

*Note: These Minutes will become final upon approval by the Civil Service Commission.*